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16 Attorneys for Defendant

17 **THE MEDICAL STAFF OF SAINT AGNES MEDICAL**
18 **CENTER**

19 [Additional Counsel Listed on Next Page]

20 UNITED STATES DISTRICT COURT

21 EASTERN DISTRICT OF CALIFORNIA -FRESNO DIVISION

22 GAIL MALLARD-WARREN, M.D.,

23 Case No. 1:21-CV-01530-JLT-BAM

24 Plaintiff,

25 **JOINT STIPULATION AND**
[PROPOSED] ORDER TO EXTEND
TIME CONCERNING INITIAL
DISCLOSURES, FILE RESPONSIVE
PLEADINGS AND TO ESTABLISH
RELATED DEADLINES

26 **(E.D.L.R. 144(a))**

27 v.

28 SAINT AGNES MEDICAL CENTER, THE
MEDICAL STAFF OF SAINT AGNES
MEDICAL CENTER and TRINITY HEALTH
INC., NANCY HOLLINGSWORTH, and
DOES 1-100,

29 Defendants.

30 Judge: Jennifer L. Thurston
Magistrate Judge: Barbara A. McAuliffe

31 Date Action Filed: October 15, 2021
32 Trial Date: None Set

1 [Additional Counsel from Prior Page:]

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23 Attorney for Defendants SAINT AGNES MEDICAL CENTER, TRINITY HEALTH

24 CORPORATION, erroneously sued as TRINITY HEALTH INC., AND NANCY

25 HOLLINGSWORTH

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1 **THE HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS OF**
2 **RECORD:**

3 **PLEASE TAKE NOTICE** that Plaintiff, GAIL MALLARD-WARREN, M.D., by and
4 through her attorneys, and Defendants SAINT AGNES MEDICAL CENTER, THE MEDICAL
5 STAFF OF SAINT AGNES MEDICAL CENTER, TRINITY HEALTH CORPORATION, and
6 NANCY HOLLINGSWORTH, by and through their attorneys, hereby stipulate as follows:

7 **RECITALS**

- 8 1. On October 15, 2021, Plaintiff filed the Complaint in this matter.
- 9 2. On December 20, 2021, as corrected on December 22, 2021, the parties filed a
10 Stipulation to Extend Time for Defendants to File Responsive Pleadings, in which the parties
11 agreed to extend Plaintiff's time to file an amended complaint and Defendants' time to respond.
- 12 3. On January 11, 2022, the Court granted the joint stipulation and extended the time
13 for Plaintiff to file the First Amended Complaint ("FAC") to on or before February 7, 2022, the
14 time for Defendants to file responsive pleadings from January 14, 2022 to within 30 days after the
15 FAC was filed, and the time for Defendants to file an anti-SLAPP motion, if any, to 60 days after
16 the FAC was filed.
- 17 4. On January 19, 2022, the parties filed the Stipulation Between Parties Concerning
18 Initial Disclosures, thereby stipulating that pursuant to Rule 26 of the Federal Rules of Civil
19 Procedure the Initial Disclosures shall be provided on or before April 15, 2022.
- 20 5. On February 7, 2022, Plaintiff filed his FAC.
- 21 6. On March 8, 2022, Defendants Saint Agnes Medical Center, Trinity Health
22 Corporation, and Nancy Hollingsworth (the "Hospital Defendants") filed their Motion to Dismiss
23 Counts One, Two, Three, Four and Five of the FAC ("Motion to Dismiss").
- 24 7. On March 9, 2022, Defendant the Medical Staff of Saint Agnes Medical Center
25 joined in the Motion to Dismiss and filed its Notice of Joinder and Joinder to the Hospital
26 Defendants' Motion to Dismiss ("Joinder Motion").
- 27 8. On March 10, 2022, the Court issued a Minute Order stating that the Motion to
28 Dismiss and Joinder Motion would be decided on the papers and no hearing would be calendared.

1 The Court further informed the parties that due to a significant backlog it “may still be many
2 months until the motion in this matter is resolved.”

3 9. The parties are currently engaged in good faith attempts to explore a potential
4 mediation.

5 10. On March 22, 2022 the parties filed the Joint Stipulation to Extend Time
6 Concerning Initial Disclosures, File Responsive Pleadings and to Establish Related Deadlines.

7 11. On March 28, 2022 the Court granted the Joint Stipulation to Extend Time
8 Concerning Initial Disclosures, File Responsive Pleadings and to Establish Related Deadlines.

9 12. Accordingly, the parties have agreed, and request that the Court order, that the
10 following deadlines be extended:

11 a. Plaintiff's deadline for filing an Opposition to the Motion to Dismiss, currently
12 set as April 12, 2022, be extended to May 12, 2022;

13 b. Defendants' deadline for filing an Anti-SLAPP Motion, if any, currently set as
14 April 29, 2022, be extended to May 31, 2022.

15 c. Defendants' deadline for filing Replies in support of the Motion to Dismiss
16 currently set as April 25, 2022, be continued to May 25, 2022.

17 d. The Parties' deadline for filing Initial Disclosures currently set as May 6, 2022,
18 be continued to June 6, 2022.

19 e. Pursuant to Judge Thurston's minute order, (Doc.22), no hearing date will be
20 calendared.

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STIPULATION

IT IS HEREBY STIPULATED by the parties and their respective undersigned attorneys that, subject to the Court's approval:

- a. Plaintiff's deadline for filing an Opposition to the Motion to Dismiss, currently set as April 12, 2022, be extended to May 12, 2022.
- b. Defendants' deadline for filing an Anti-SLAPP Motion, if any, currently set as April 29, 2022, be extended to May 31, 2022.
- c. Defendants' deadline for filing Replies in support of the Motion to Dismiss currently set as April 25, 2022, be continued to May 25, 2022.
- d. The Parties' deadline for filing Initial Disclosures currently set as May 6, 2022, be continued to June 6, 2022.
- e. Pursuant to Judge Thurston's minute order, (Doc.22), no hearing date will be calendared.

THROUGH COUNSEL OF RECORD, IT IS SO STIPULATED.

Dated: April 11, 2022

LAW OFFICES OF DANIEL HOROWITZ

By: /s/ Daniel Horowitz
DANIEL HOROWITZ
Attorneys for Plaintiff

Dated: April 11, 2022

LAW OFFICES OF WILLIAM C. HAHESY

By: /s/ William C. Hahesy**
WILLIAM C. HAHESY
Attorney for Defendants Saint Agnes Medical
Center, Trinity Health Corporation, and Nancy
Hollingsworth

1 Dated: April 11, 2022

ARENTFOX SCHIFF LLP

2 ** As Authorized on April 11, 2022

3 By: /s/ Diane Roldán**

4 DIANE ROLDÁN

5 Attorneys for Defendant the Medical Staff of
6 Saint Agnes Medical Center

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ORDER

The Court having considered the parties' Joint Stipulation To Extend Time Concerning Initial Disclosures, File Responsive Pleadings And To Establish Related Deadlines and for good cause shown, **HEREBY ORDERS AS FOLLOWS:**

- a. Plaintiff's deadline for filing an Opposition to the Motion to Dismiss, currently set as April 12, 2022, be extended to May 12, 2022.
- b. Defendants' deadline for filing an Anti-SLAPP Motion, if any, currently set as April 29, 2022, be extended to May 31, 2022.
- c. Defendants' deadline for filing Replies in support of the Motion to Dismiss currently set as April 25, 2022, be continued to May 25, 2022.
- d. The Parties' deadline for filing Initial Disclosures currently set as May 6, 2022, be continued to June 6, 2022.
- e. Pursuant to Judge Thurston's minute order, (Doc.22), no hearing date will be calendared.

IT IS SO ORDERED.

Dated: **April 12, 2022**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE